

EXHIBIT 1

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

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4)
EMMANUEL BRACY, an individual,)
5)
Plaintiff,)

6)
vs.)

Case No. CV-13-09350-JC

7)

CITY OF LOS ANGELES; DETECTIVE)
8 CARL WORRELL; DETECTIVE DONALD)
WALTHERS; DETECTIVE RICHARD GUZMAN;))
9 DETECTIVE RANDY RICO; and DOES 1)
through 10, inclusive,)

10)
Defendants.)

11)

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15 DEPOSITION OF: DONALD WALTHERS

16 Wednesday, March 25, 2015

17 Los Angeles, California

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24 Reported by: Elizabeth Panta
CSR #13163

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11:16 1 time of this incident, as an SIS detective, you
2 typically were not in uniform but were, rather, in
3 plainclothes?

4 A That's correct.

11:16 5 Q Okay. Now, with regard to the weapon that
6 you did fire, I'm going to show you Exhibit 3.

7 (Exhibit No. 3 was marked for
8 identification and is attached hereto.)

9 BY MR. DUNN:

11:16 10 Q What a -- what type of shotgun is this?

11 A It's a -- made by a company called
12 Scattergun. And it is a pump-action shotgun.

13 Q Now, again, assuming that we're going to
14 be talking to people that know -- don't know

11:16 15 anything at all about firearms, what -- what does it
16 mean when you say "pump action"?

17 A It means that, in order to transfer the --
18 the rounds from the magazine to the chamber, you
19 pump the shotgun. So the action to change the

11:17 20 rounds from the magazine to the chamber is a pump
21 action.

22 Q Where is the magazine on this photograph?

23 A Well, underneath the rounds that are in
24 what's called the side saddle there --

11:17 25 Q Uh-huh.

11:19 1 A Correct.

2 Q So did you have those shotshells in the
3 side saddle during this incident?

4 A Yes.

11:19 5 Q So if you had wanted to, you could have
6 shot more than six times because you had the -- the
7 shells there; correct?

8 A That's correct.

9 Q Okay. Now, aside from the shotgun -- and,
11:20 10 again, what -- what do you normally -- how -- what
11 is the normal term that you would use for this? I
12 could say "shotgun."

13 What would you call -- what would you say?

14 A I'd probably call it shotgun.

11:20 15 Q Okay. Aside from the shotgun and the
16 semiautomatic handgun, did you have any other
17 firearms?

18 A No.

19 Q Now, we are going to talk a little bit
11:20 20 about the specifics.

21 What -- what type of caliber round -- how
22 would you describe, again, the shotshells? Are
23 they -- do they have a caliber associated with them?

24 A They're considered .12 gauge.

11:20 25 Q .12 gauge.

11:20 1 And based on my very limited understanding
2 of how a shotgun works, when you fire it, it
3 scatters; correct?

4 I mean, there's a -- how -- how -- how
11:21 5 does the bullet come out? Or not the bullet but the
6 shotshell?

7 A Well, they're -- in this particular
8 instance, there's -- well, there's many different
9 types of shotshells. The ones we carry in SIS were
11:21 10 either a double aught buck round -- it's called a --

11 Q And that's -- "aught" means zero?

12 A Correct.

13 Q So it's 00?

14 A Double 0.

11:21 15 Q Okay.

16 A -- a double aught buck round and a slug
17 round.

18 Q Okay. What kind of rounds are these?

19 A The ones that are in the side saddle?

11:21 20 Q We'll start with those, yes.

21 A Okay. The ones that are in the side
22 saddle are slug rounds.

23 Q Okay. What about the ones that were in
24 the magazine that you fired that day?

11:21 25 A There was a combination of slug rounds and

11:21 1 double aught buck rounds.

2 Q Do you have an understanding as to -- out
3 of a total of six, how much were the double aught
4 buck and how much were the slug rounds? How many?

11:22 5 A On this day?

6 Q On this day.

7 A Two buckshot and four -- and four slug
8 rounds.

9 Q Why are -- why are they both together in
11:22 10 the gun -- in the magazine?

11 A Well, the way that it's loaded is that --
12 we load it so that the first two rounds that are
13 shot are double aught buck. And the next four
14 rounds that are available to you are slug rounds.

11:22 15 Q Why the double aught buck as the first
16 two?

17 A Because -- because of the -- because of
18 the tactic that we use when we do, like, a vehicle
19 containment technique to stop an individual. We're
11:22 20 exiting a vehicle quickly, and so we have an
21 unstable shooting platform. So the double aught
22 buck gives you a better opportunity -- since it has
23 a wider pattern, it gives you a better opportunity
24 to stop a threat.

11:23 25 And then the future rounds are slug rounds

12:21 1 Q Yes. Did you see Mr. Bracy respond in any
2 way after you said those three words, "Police.
3 Hands up"?

4 MR. BRENT: I'm still going to object.

12:22 5 Calls for speculation.

6 BY MR. DUNN:

7 Q You can answer. Unless they instruct you
8 not to answer, you can answer.

9 A Okay. I said, "Police. Hands up." And
12:22 10 the movement that Mr. Bracy did then was turned and
11 pointed a gun at Detective Worrell.

12 Q All right. And where were you positioned?

13 A I'm sorry.

14 Q All right. Hold on. There's no question
12:22 15 pending.

16 MR. FERGUSON: Well, you said, "Where were
17 you positioned?"

18 BY MR. DUNN:

19 Q All right. Well, I can have those four
12:22 20 words hanging out there.

21 But where were you positioned at the time
22 of the shooting?

23 But it'd be easier -- because I think we
24 have a really good photo.

12:22 25 Am I on 7 now?

12:22 1 MS. KADES: Yes.
2 (Exhibit No. 7 was marked for
3 identification and is attached hereto.)

4 BY MR. DUNN:

12:22 5 Q Okay. I think this is a really good
6 photo. We're going to call it Exhibit 7.

7 Does this photograph appear to depict
8 where you were at the time that you fired?

9 A Yes, that looks pretty good.

12:23 10 Q All right. Now, when you fired the
11 shotgun, were you behind the door, as the figure is
12 in Exhibit 7?

13 A Yes.

14 Q Were you in that same position when you
12:23 15 fired all six shotshells?

16 A Yes.

17 Q Where was Worrell?

18 A He was at the driver's door.

19 MR. BRENT: Of the?

12:23 20 THE WITNESS: Of the F-150 pickup. I'm
21 sorry.

22 BY MR. DUNN:

23 Q Now I'm going to show you an exhibit that
24 we're going to call 8.

25 ///

12:30 1 actual time was, you know, as far as, like, lag time
2 and stuff -- but as soon as I saw it, I tried to
3 fire it.

4 Q Now, you fired six times total; correct?

12:30 5 A Correct.

6 Q How many times -- well, let me rephrase
7 that.

8 Do you have an estimate as to how much
9 time passed from the first shot you fired to the

12:30 10 sixth?

11 A Probably right around three to four
12 seconds maybe.

13 Q Did you fire all six shotshells in rapid
14 succession in a sense that -- when I mean that -- is

12:31 15 did you fire six shots continuously, one right after
16 the other, or did you pause at any point?

17 A No, it felt like it was pretty continuous.

18 Q There was no pause between the first round
19 and the sixth round?

12:31 20 MR. FERGUSON: Well, to the extent you
21 have to pump the shell into it and fire. I mean,
22 there's a pause. There's a natural pause. But
23 you're not talking about that. You mean was there
24 an intentional pause.

12:31 25 Objection. Vague and ambiguous.

12:33 1 Q Do you recall moving your position at any
2 time from the time that the first shot was --
3 shotshell was fired and the sixth shotshell was
4 fired?

12:33 5 A No.

6 Q Was it your belief that Mr. Bracy had a
7 gun in his hand at the time that you fired all six
8 shotshells?

9 A Yes.

12:33 10 Q Why did you stop firing?

11 A My -- after I fired the sixth round of my
12 shotgun, I then had the option of either loading
13 more shotshells into that or transitioning to
14 another weapon system. I chose to transition to

12:34 15 another weapon system. By the time I did that,
16 there was no longer an immediate threat.

17 Q What was the other weapon system that you
18 transitioned to?

19 A The handgun that was on my vest.

12:34 20 Q Did you draw it?

21 A I did.

22 Q Now, throughout the time in which you
23 fired, would you say that you were firing in defense
24 of Detective Worrell or would you say you were

12:34 25 firing in self-defense?